

Agency's decision was remanded to EPA in part on this ground.

Section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA) prohibits a Federal permit from being issued for an activity affecting any land or water use or natural resource of the coastal zone of that state until the applicant furnishes a certification that the activity is consistent with an approved CZMP, and the State concurs in the certification or waives review. This portion of the CZMA is implemented in the Corps regulations by 33 CFR 325.2(b)(2). Because the Corps' regulations adequately address the CZM consistency requirement, EPA did not duplicate § 325.2(b)(2) in the 404(b)(1) Guidelines.

The Hackensack Meadowlands District Master Plan is the Coastal Zone Management Plan for the Meadowlands District, and the current plan zones the 13.5 acre parcel for development. Because EPA's 404(c) determination, if it is finalized as proposed today, would no longer preclude the Corps from authorizing fill activity on the 13.5 acre parcel, such an action would appear to be consistent with the Master Plan. Of course, under section 307(c)(3)(A) of the CZMA and 33 CFR 325.2(b)(2), it is the State that ultimately would have the authority to determine consistency of a new permit proposal with the applicable plan.

Conclusions

The Final Determination by the AA for Water contemplated a reconsideration of the prohibition upon a showing that adequate mitigation could be provided to offset unacceptable impacts to wildlife. Russo has proposed the following mitigation to compensate for impacts of the fill activity: (1) Deed over an approximately 16 acre parcel of wetlands in Ridgely, N.J. for preservation, and (2) provide \$700,000 for the purpose of enhancing wetlands at this site and on sites to be contained in the Hackensack Meadowlands District mitigation bank. Since there will be Federal oversight of the type of enhancements performed, as well as the design, construction, and implementation of the mitigation activities, and since the funding provided for mitigation would be applied to enhancement alone⁵, the

mitigation activities would be applied to sufficient acreage, and would be of appropriate kind and quality, to provide adequate compensation for losses of wetlands values which resulted/are resulting from the unauthorized fill.

Unlike the proposal in the original permit, all of the compensation proposed will involve an increase in value and will be located within the lower Hackensack River basin (the location of the impact). Furthermore, the proposed combinations of mitigation activities will ensure that a mosaic of different habitats, which was an important factor contributing to the wildlife value of the Russo tracts, will be restored elsewhere within the relevant area of the impact. Finally, the above proposals will provide adequate acreage of the different wetland types to compensate for the extent of wildlife values lost on the Russo tracts. Therefore, under the terms of the settlement, there would be no significant loss of wetland values which would not be offset by appropriate and adequate mitigation. There would, we believe, no longer be unacceptable adverse effects to wildlife from this activity. The prohibition on specifying the Russo tracts as disposal sites for fill would no longer be necessary to prevent unacceptable adverse effects to wildlife and the aquatic ecosystem. EPA therefore proposes that, conditional upon a binding agreement by Russo to provide the funds and land preservation discussed above, the Section 404(c) prohibition on specification of the 13.5-acre site for fill material be removed, and a restriction be imposed that would allow specification of these areas as disposal sites provided Russo implements the mitigation plan discussed above.

Dated: March 21, 1995.

Robert Perciasepe,

Assistant Administrator for Water.

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[FRL-5179-8]

Public Water System Supervision Program Revision for the State of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

demobilization and design costs will be distributed over many participants. Finally, since there would be a large pool of wetlands acreage available for enhancement, wetlands to be enhanced using Russo's funds can be strategically chosen so that the value increase of Russo's portion of the mitigation may be maximized.

SUMMARY: Public notice is hereby given in accordance with the provisions of section 1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300g-2, and 40 CFR part 142, Subpart B-Primary Enforcement Responsibility, that the State of South Dakota has revised its Public Water System Supervision (PWSS) Primacy Program. South Dakota's PWSS program, administered by the Office of Drinking Water of the Department of Environment and Natural Resources, has adopted regulations for total coliforms, surface water treatment, Phase II (7 inorganic and 26 organic chemicals), Phase IIb (1 inorganic and 4 organic chemicals), and Phase V (5 inorganic and 18 organic chemicals) that correspond to the National Primary Drinking Water Regulations (NPDWR) in 40 CFR part 141 for total coliforms (**Federal Register** Vol. 54, No. 124, June 29, 1989, Pg. 27544-27568), surface water treatment (**Federal Register** Vol. 54, No. 124, June 29, 1989, Pg. 27486-27541), Phase II (**Federal Register** Vol. 56, No. 20, January 30, 1991, Pg. 3526-3597), Phase IIb (**Federal Register** Vol. 56, No. 126, July 1, 1991, Pg. 30266-30281), and Phase V (**Federal Register** Vol. 57, No. 138, July 17, 1992, Pg. 31776-31849). The Environmental Protection Agency (EPA) has completed its review of South Dakota's primacy revisions and has determined that they are no less stringent than the NPDWRs. EPA therefore approves South Dakota's primacy revisions for Total Coliforms, Surface Water Treatment, Phase II, IIb, and V Rules. This determination shall become effective April 27, 1995.

Any interested parties are invited to submit written comments on this determination, and may request a public hearing on or before April 27, 1995. If a public hearing is requested and granted, this determination shall not become effective until such time following the hearing that the Regional Administrator issues an order affirming or rescinding this action.

Requests for a public hearing should be addressed to: William P. Yellowtail, Regional Administrator, c/o David Schmidt (8WM-DW), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, CO 80202-2466.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief

⁵ Costs for enhancement vary widely, but private contractors generally range from \$10,000-\$20,000/acre in this area to implement mitigation, based on an informal EPA Region II survey of costs. In this case, monitoring will be overseen by agency personnel, which reduces the cost. Because the mitigation activities will occur over a large number of acres, there is an economy of scale involved in design and construction, since mobilization/

statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of South Dakota. A notice will also be sent to the person(s) requesting the hearing as well as to the State of South Dakota. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on April 27, 1995. Please bring this notice to the attention of any persons known by you to have an interest in this determination.

All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA Region VIII, Drinking Water Branch, 999 18th Street (4th floor), Denver, Colorado; (2) Department of Environment and Natural Resources, Office of Drinking Water, 523 East Capital Avenue, Pierre, South Dakota.

FOR FURTHER INFORMATION CONTACT: David Schmidt, Drinking Water Branch, EPA Region VIII (8WM-DW), 999 18th Street, Suite 500, Denver, Colorado 80202-2466, telephone (303) 293-1415.

Dated: March 20, 1995.

Kerrigan Clough,

Acting Regional Administrator, EPA, Region VIII.

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FARM CREDIT ADMINISTRATION

[NV 95-13]

Policy Statement Concerning the Release of Consolidated Reporting System Information

AGENCY: Farm Credit Administration.

ACTION: Policy statement.

SUMMARY: On March 20, 1995, the Farm Credit Administration (FCA) adopted a policy statement concerning the release of reports of condition and performance (Call Reports) and other reports containing nonexempt information (such as the Uniform Performance Report (UPR) and the Uniform Peer Performance Report (UPPR)) that are produced from the FCA's Consolidated Reporting System (CRS) (hereinafter nonexempt CRS Reports). Under this policy, the UPR and UPPR will be disclosed to the institution that submitted the information 50 days after the end of a quarter or a fiscal year. All other reports containing nonexempt information that are produced from the FCA's CRS would be disclosed, as available, to System institutions and to the general public 90 days after the end of a quarter or a fiscal year. For purposes of this policy, nonexempt CRS Reports are defined as reports produced from the CRS containing information that has been routinely disclosed in System institutions' quarterly and annual financial reports to shareholders and filed with the FCA pursuant to 12 CFR part 620. The FCA intends to set user fees for the dissemination of this information sufficient to recover the cost of dissemination. Nonexempt CRS Report information has been previously disclosed on a case-by-case basis in response to Freedom of Information Act requests. The FCA believes that providing the public access to nonexempt CRS Report information under this policy statement would enhance the FCA's information management activities in an efficient, effective, and economical manner.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT:

Nan P. Mitchem, Compliance Officer, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4073, TDD (703)883-4444
or

Jane M. Virga, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4071, TDD (703)883-4444.

SUPPLEMENTARY INFORMATION:

Background

Call Reports and other nonexempt information produced from the FCA's CRS contain valuable information and could be useful to Farm Credit System institutions and to members of the public by enabling them to evaluate the financial condition of the institution in comparison to its peers. This policy statement is intended to provide for the dissemination of this information in a manner that effectively balances the goals of maximizing the usefulness of the information and minimizing the cost to the Government and the public. Similarly, the Federal Financial Institutions Examination Council, which consists of the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Board of Governors of the Federal Reserve System, has made a determination to disseminate CRS-type information to banks, State banking departments, and the public in a report known as the Uniform Bank Performance Report.

The FCA's objective in adopting this policy statement is to enhance the utility of Call Reports for System institutions and the public, and to make available in an orderly and consistent way nonexempt information (i.e., information that has been routinely disclosed in System institutions' quarterly and annual financial reports and filed with the FCA) in conformance with the objectives set forth in OMB Circular A-130. This policy statement should benefit System institutions and the public by establishing a more effective and efficient means of accessing information that can be used to evaluate and compare System institutions and their performance. The release of nonexempt CRS Reports should also benefit the FCA in its regulatory role and in accomplishing its mission by enhancing the agency's communications with System institutions. Additionally, the FCA believes that the availability of nonexempt CRS Reports will enhance its ability to oversee and examine institutions.

Availability of Nonexempt CRS Reports

Under the policy statement, the UPR and UPPR will be disclosed free of charge to the institution that submitted the information 50 days after the end of a quarter or a fiscal year. All other reports containing nonexempt information that are produced from the FCA's CRS would be disclosed, as available, to System institutions and to the general public 90 days after the end